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REMARKS

This is a full and timely response to the non-final Official Action mailed **January 4, 2008** (the "Office Action" or "Action"). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

By the forgoing amendment, the specification and various claims have been amended. No claims are added or cancelled. Thus, claims 1-21 are currently pending for further action.

Objection to Claims:

The recent Office Action objected to claim 14 due to a minor typographical error. Accordingly, claim 14 has been amended herein to correct the noted error.

Therefore, following entry of this amendment, the objection to claim 14 can be reconsidered and withdrawn. The amendment to claim 14 does not, and is not intended to, narrow or change the scope of the claim in any degree.

Prior Art:

Claims 8-21 were rejected as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,715,279 to Pavlovic et al. ("Pavlovic"). For at least the following reasons, this rejection should be reconsidered and withdrawn.

Independent claim 8 recites:

A method of processing a print batch in a print device, comprising:
storing a print batch that includes a plurality of print jobs;
evaluating characteristics of said print batch to determine a pick order;
picking media sheets according to said pick order;

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evaluating said characteristics to determine a transfer order of said print jobs from a formatter to an imaging component;
transferring said print jobs from said formatter to said imaging component based on said transfer order;
forming images corresponding to said print jobs on media sheets;
evaluating said characteristics to determine a delivery order of said media sheets; and
delivering said media sheets to an output portion of said print device based on said delivery order.

In contrast, Pavlovic does not appear to teach or suggest any of this subject matter.

For example, claim 8 recites “evaluating characteristics of said print batch to determine a pick order;” and “picking media sheets according to said pick order.” In this regard, the Office Action argues that Pavlovic teaches a system control that “evaluates, or interprets that specification of the job description and determines the type of media picked, or chosen, for the image to be printed on; see figs. 1-3; col. 2, line 46 – col. 4, line 61).” (Action, p. 3). Assuming that this is an accurate statement of what Pavlovic teaches, the allegation of the Office Action does not allege that Pavlovic actually teaches determining a pick order by evaluating characteristics of a print batch as claimed. Rather, the Office Action merely alleges that Pavlovic teaches determining a “type of media picked, or chosen, for the image to be printed on.” (Action, p. 3). Simply determining a type of media to use is not the same as determining a pick order for media sheets, i.e., different types of media sheets, as recited in claim 8. Thus, Pavlovic clearly fails to teach or suggest “evaluating characteristics of said print batch to determine a pick order;” and “picking media sheets according to said pick order.”

Next, claim 8 recites “evaluating said characteristics to determine a transfer order of said print jobs from a formatter to an imaging component;” and “transferring said print jobs from said formatter to said imaging component based on said transfer order.” In this regard, Pavlovic teaches a marker “capable of requesting page images to be submitted to the printing

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hardware in a predetermined order of either 1 to N or N to 1.” (Pavlovic, claim 14; see also, Pavlovic, col. 7, lines 19-27). Thus, Pavlovic merely teaches submitting page images to printing hardware in either an original document order or the reverse of that order depending on whether the pages are to be stapled. Pavlovic clearly does not teach or suggest “evaluating said characteristics to determine a transfer order of said print jobs from a formatter to an imaging component;” and “transferring said print jobs from said formatter to said imaging component based on said transfer order,” as recited in claim 8.

Claim 8 further recites “evaluating said characteristics to determine a delivery order of said media sheets; and delivering said media sheets to an output portion of said print device based on said delivery order.” In contrast, Pavlovic does not teach or suggest evaluating batch characteristics to determine a delivery order. Rather, Pavlovic merely teaches delivering printed sheets according to their pre-established order within a document. (Pavlovic, claim 14; see also, Pavlovic, col. 7, lines 19-27).

“A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, for at least the reasons explained here, the rejection based on Pavlovic of claim 8 and its dependent claims should be reconsidered and withdrawn.

Claim 15 recites:

A print device, comprising:
a formatter configured to pool a batch of print data, wherein said batch includes a plurality of print jobs;
a processor having an imaging component residing thereon, wherein said imaging component is configured to access batch information about said batch,

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including print media type, image size, image processing time, or image forming time, and, based on said batch information, to independently determine a pick order for different types of print media to be used for different print jobs, a transfer order for transferring rasterized print job data to said imaging component, and a delivery order of said print jobs; and

a print engine configured form images on a plurality of media corresponding to said print jobs.

Support for the amendment to claim 15 can be found in Applicant's originally filed specification at, for example, paragraphs 0024 and 0039.

In contrast to claim 15, Pavlovic fails to teach or suggest the claimed processor and imaging component configured "to access batch information about said batch, including print media type, image size, image processing time, or image forming time, and to independently determine a pick order for different types of print media to be used for different print jobs, a transfer order for transferring rasterized print job data to said imaging component, and a delivery order of said print jobs."

As demonstrated above, Pavlovic does not appear to teach or suggest anything about determining a pick order for different types of print media based on batch information "including print media type, image size, image processing time, or image forming time." Moreover, Pavlovic does not appear to teach or suggest determining "a transfer order for transferring rasterized print job data to said imaging component" based on the batch information. Finally, Pavlovic does not teach or suggest anything about determining a deliver order for print jobs based on the indicated batch information.

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, for at least the reasons explained here, the

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rejection based on Pavlovic of claim 15 and its dependent claims should be reconsidered and withdrawn.

Independent claim 19 recites:

A printing system, comprising:
means for evaluating characteristics of a print batch; and
means for independently determining a pick order, a transfer order, and a delivery order based on said characteristics.

In contrast, as demonstrated herein, Pavlovic does not teach or suggest a printing system including "means for independently determining a pick order, a transfer order, and a delivery order based on said characteristics [of a print batch]." To the contrary, Pavlovic does not appear to teach or suggest anything about determining a pick order for different types of print media. Additionally, Pavlovic does not appear to teach or suggest "independently" determining a transfer order as disclosed and claimed. Rather, as noted above, Pavlovic merely teaches transferring pages according to their order within a document being printed. (Pavlovic, claim 14; see also, Pavlovic, col. 7, lines 19-27). The same is true with respect to delivery order. Pavlovic merely teaches delivering pages in the order specified by a document structure, not based on print batch characteristics as claimed.

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, for at least the reasons explained here, the rejection based on Pavlovic of claim 19 and its dependent claims should be reconsidered and withdrawn.

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Additionally, various dependent claims of the application recite subject matter that is further patentable over the cited prior art. For example, claim 10 recites "wherein said characteristics comprise an image receiving media type, an image size, an image processing time, or an image forming time." In contrast, as demonstrated above, Pavlovic does not each or suggest evaluating characteristics such as "image receiving media type, an image size, an image processing time, or an image forming time" in order to determine pick order, transfer order or delivery order as claimed.

Claims 1-7 were rejected under 35 U.S.C. § 103(a) over the combined teachings of Pavlovic and U.S. Patent No. 7,092,117 to Kageyama et al. ("Kageyama"). For at least the following reasons, this rejection should not be sustained.

Claim 1 recites:

A method of processing a print batch in a print device, comprising:
storing characteristics of a plurality of print jobs contained in said print batch;
evaluating said characteristics of said print jobs; and
independently determining a pick order, a transfer order, and a delivery order based, at least in part, on said characteristics.

In rejecting claim 1, the Office Action relies on Pavlovic, as above, for teachings of the claimed steps of "evaluating" characteristics and "independently determining" pick order, transfer order and delivery order based, at least in part, on the characteristics of the print jobs in a print batch. Kageyama is cited for a teaching of "storing characteristics of a plurality of print jobs contained in said print batch." (Action, p. 16).

However, as demonstrated above, Pavlovic does not teach or suggest a method that includes "evaluating said characteristics of said print jobs; and independently determining a pick order, a transfer order, and a delivery order based, at least in part, on said

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characteristics.” Rather, this subject matter appears to be entirely outside the scope and content of the cited prior art.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Pavlovic and Kageyama, did not encompass the claimed method including “evaluating said characteristics of said print jobs; and independently determining a pick order, a transfer order, and a delivery order based, at least in part, on said characteristics.” Rather, this subject matter appears to be entirely outside the scope and content of the cited prior art. Additionally, the advantages of increased printing efficiency discovered and described by Applicant that arise from this subject matter are also unavailable in, and outside the scope of, the cited prior art. (See, e.g., Applicant’s specification, paragraphs 0015, 0024, 0029 and 0031). Consequently, the cited prior art will not support a rejection of claim 1 and its dependent claims under 35 U.S.C. § 103 and *Graham*.

Conclusion:

In view of the foregoing arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

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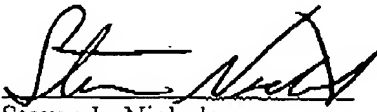
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The absence of a reply to a specific rejection, issue or comment in the Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: April 3, 2008


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